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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/245,277	02/05/99	WORLEY	F 10496/005001

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EXAMINER

CLEMENS, K

ART UNIT

PAPER NUMBER

1644

DATE MAILED:

10/02/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/245,277

Applicant(s)

WORLEY ET AL.

Examiner

Karen Clemens

Art Unit

1644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claims 1-43 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) ____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

DETAILED ACTION
Election/Restriction

1. The location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 1644, Group 1640, Technology Center 1600.

Please Note: In an effort to enhance communication with our customers and reduce processing time, Group 1640 is running a Fax Response Pilot for Written Restriction Requirements. A dedicated Fax machine is in place to receive your responses. The Fax number is 703-305-3704. A Fax cover sheet is attached to this Office Action for your convenience. We encourage your participation in this Pilot program. If you have any questions or suggestions please contact Paula Hutzell, Ph.D., Supervisory Patent Examiner at Paula.Hutzell@uspto.gov or 703-308-4310. Thank you in advance for allowing us to enhance our customer service. Please limit the use of this dedicated Fax number to responses to Written Restrictions.

2. Claims 1-43 are pending.

3. Restriction to one of the following Groups of inventions is required under 35 U.S.C. 121:

Group I. Claims 1-16 and 27-43 drawn to:

- (a) an isolated nucleic acid of clone **A003 (SEQ ID Nos: 1-2)** and the host cell containing the isolated nucleic acid, classified in Class 536, Subclass 23.1, 23.5 and Class 435, Subclass 252.3;
- (b) the encoding polypeptide of SEQ ID Nos: 1-2, classified in Class 530, Subclass 350;
- (c) an antibody against the encoding polypeptide, classified in Class 530, Subclass 387.1;
- (d) a method of treating an animal using the nucleic acid, classified in Class 514, Subclass 44;
- (e) a method of treating an animal using the encoding polypeptide, classified in Class 514, Subclass 12;
- (f) a method of treating an animal using cells containing the nucleic acid, classified in Class 424, Subclass 93.2;
- (g) a method of treating an animal using antibodies against the encoding polypeptide, classified in Class 424, Subclass 139.1;
- (h) a method of identifying a compound that modulates immediate early gene expression using the nucleic acid, classified in Class 435, Subclass 6;

- (i) a method of identifying a compound that modulates immediate early gene polypeptide activity using the encoded polypeptide, classified in Class 436, Subclass 501.

Group II. Claims 1-16 and 27-43 drawn to:

- (a) an isolated nucleic acid of clone **A020 (SEQ ID No:5)** and the host cell containing the isolated nucleic acid, classified in Class 536, Subclass 23.1, 23.5 and Class 435, Subclass 252.3;
- (b) the encoding polypeptide of SEQ ID No:5, a GLGF domain protein homer-like protein, classified in Class 530, Subclass 350;
- (c) an antibody against the encoding polypeptide, classified in Class 530, Subclass 387.1;
- (d) a method of treating an animal using the nucleic acid, classified in Class 514, Subclass 44;
- (e) a method of treating an animal using the encoding polypeptide, classified in Class 514, Subclass 12;
- (f) a method of treating an animal using cells containing the nucleic acid, classified in Class 424, Subclass 93.2;
- (g) a method of treating an animal using antibodies against the encoding polypeptide, classified in Class 424, Subclass 139.1;
- (h) a method of identifying a compound that modulates immediate early gene expression using the nucleic acid, classified in Class 435, Subclass 6;
- (i) a method of identifying a compound that modulates immediate early gene polypeptide activity using the encoded polypeptide, classified in Class 436, Subclass 501.

Group III. Claims 1-16 and 27-43 drawn to:

- (a) an isolated nucleic acid of clone **A021 (SEQ ID No:6)** and the host cell containing the isolated nucleic acid, classified in Class 536, Subclass 23.1, 23.5 and Class 435, Subclass 252.3;
- (b) the encoding polypeptide of SEQ ID No:6, a fra2-like protein, classified in Class 530, Subclass 350;
- (c) an antibody against the encoding polypeptide, classified in Class 530, Subclass 387.1;
- (d) a method of treating an animal using the nucleic acid, classified in Class 514, Subclass 44;
- (e) a method of treating an animal using the encoding polypeptide, classified in Class 514, Subclass 12;
- (f) a method of treating an animal using cells containing the nucleic acid, classified in Class 424, Subclass 93.2;
- (g) a method of treating an animal using antibodies against the encoding polypeptide, classified in Class 424, Subclass 139.1;
- (h) a method of identifying a compound that modulates immediate early gene expression using the nucleic acid, classified in Class 435, Subclass 6;

- (i) a method of identifying a compound that modulates immediate early gene polypeptide activity using the encoded polypeptide, classified in Class 436, Subclass 501.

Group IV. Claims 1-16 and 27-43 drawn to:

- (a) an isolated nucleic acid of clone **A024 (SEQ ID Nos:7-8)** and the host cell containing the isolated nucleic acid, classified in Class 536, Subclass 23.1, 23.5 and Class 435, Subclass 252.3;
- (b) the encoding polypeptide of SEQ ID Nos:7-8, a basic helix-loop-helix like protein, classified in Class 530, Subclass 350;
- (c) an antibody against the encoding polypeptide, classified in Class 530, Subclass 387.1;
- (d) a method of treating an animal using the nucleic acid, classified in Class 514, Subclass 44;
- (e) a method of treating an animal using the encoding polypeptide, classified in Class 514, Subclass 12;
- (f) a method of treating an animal using cells containing the nucleic acid, classified in Class 424, Subclass 93.2;
- (g) a method of treating an animal using antibodies against the encoding polypeptide, classified in Class 424, Subclass 139.1;
- (h) a method of identifying a compound that modulates immediate early gene expression using the nucleic acid, classified in Class 435, Subclass 6;
- (i) a method of identifying a compound that modulates immediate early gene polypeptide activity using the encoded polypeptide, classified in Class 436, Subclass 501.

Group V. Claims 1-16 and 27-43 drawn to:

- (a) an isolated nucleic acid of clone **L003 (SEQ ID No:9)** and the host cell containing the isolated nucleic acid, classified in Class 536, Subclass 23.1, 23.5 and Class 435, Subclass 252.3;
- (b) the encoding polypeptide of SEQ ID No:9, a TBP-like protein, classified in Class 530, Subclass 350;
- (c) an antibody against the encoding polypeptide, classified in Class 530, Subclass 387.1;
- (d) a method of treating an animal using the nucleic acid, classified in Class 514, Subclass 44;
- (e) a method of treating an animal using the encoding polypeptide, classified in Class 514, Subclass 12;
- (f) a method of treating an animal using cells containing the nucleic acid, classified in Class 424, Subclass 93.2;
- (g) a method of treating an animal using antibodies against the encoding polypeptide, classified in Class 424, Subclass 139.1;
- (h) a method of identifying a compound that modulates immediate early gene expression using the nucleic acid, classified in Class 435, Subclass 6;

- (i) a method of identifying a compound that modulates immediate early gene polypeptide activity using the encoded polypeptide, classified in Class 436, Subclass 501.

Group VI. Claims 1-16 and 27-43 drawn to:

- (a) an isolated nucleic acid of clone **L048 (SEQ ID No:10)** and the host cell containing the isolated nucleic acid, classified in Class 536, Subclass 23.1, 23.5 and Class 435, Subclass 252.3;
- (b) the encoding polypeptide of SEQ ID No:10, a cysteine-rich, Zn²⁺ finger homology, protein, classified in Class 530, Subclass 350;
- (c) an antibody against the encoding polypeptide, classified in Class 530, Subclass 387.1;
- (d) a method of treating an animal using the nucleic acid, classified in Class 514, Subclass 44;
- (e) a method of treating an animal using the encoding polypeptide, classified in Class 514, Subclass 12;
- (f) a method of treating an animal using cells containing the nucleic acid, classified in Class 424, Subclass 93.2;
- (g) a method of treating an animal using antibodies against the encoding polypeptide, classified in Class 424, Subclass 139.1;
- (h) a method of identifying a compound that modulates immediate early gene expression using the nucleic acid, classified in Class 435, Subclass 6;
- (i) a method of identifying a compound that modulates immediate early gene polypeptide activity using the encoded polypeptide, classified in Class 436, Subclass 501.

Group VII. Claims 1-16 and 27-43 drawn to:

- (a) an isolated nucleic acid of clone **L067 (SEQ ID No:13)** and the host cell containing the isolated nucleic acid, classified in Class 536, Subclass 23.1, 23.5 and Class 435, Subclass 252.3;
- (b) the encoding polypeptide of SEQ ID No:13, a glucose transporter-like protein, classified in Class 530, Subclass 350;
- (c) an antibody against the encoding polypeptide, classified in Class 530, Subclass 387.1;
- (d) a method of treating an animal using the nucleic acid, classified in Class 514, Subclass 44;
- (e) a method of treating an animal using the encoding polypeptide, classified in Class 514, Subclass 12;
- (f) a method of treating an animal using cells containing the nucleic acid, classified in Class 424, Subclass 93.2;
- (g) a method of treating an animal using antibodies against the encoding polypeptide, classified in Class 424, Subclass 139.1;

- (h) a method of identifying a compound that modulates immediate early gene expression using the nucleic acid, classified in Class 435, Subclass 6;
- (i) a method of identifying a compound that modulates immediate early gene polypeptide activity using the encoded polypeptide, classified in Class 436, Subclass 501.

Group VIII. Claims 1-16 and 27-43 drawn to:

- (a) an isolated nucleic acid of clone **L076 (SEQ ID Nos:14-15)** and the host cell containing the isolated nucleic acid, classified in Class 536, Subclass 23.1, 23.5 and Class 435, Subclass 252.3;
- (b) the encoding polypeptide of SEQ ID Nos:14-15, a vinculin-like protein, classified in Class 530, Subclass 350;
- (c) an antibody against the encoding polypeptide, classified in Class 530, Subclass 387.1;
- (d) a method of treating an animal using the nucleic acid, classified in Class 514, Subclass 44;
- (e) a method of treating an animal using the encoding polypeptide, classified in Class 514, Subclass 12;
- (f) a method of treating an animal using cells containing the nucleic acid, classified in Class 424, Subclass 93.2;
- (g) a method of treating an animal using antibodies against the encoding polypeptide, classified in Class 424, Subclass 139.1;
- (h) a method of identifying a compound that modulates immediate early gene expression using the nucleic acid, classified in Class 435, Subclass 6;
- (i) a method of identifying a compound that modulates immediate early gene polypeptide activity using the encoded polypeptide, classified in Class 436, Subclass 501.

Group IX. Claims 1-16 and 27-43 drawn to:

- (a) an isolated nucleic acid of clone **L082 (SEQ ID Nos: 16-17)** and the host cell containing the isolated nucleic acid, classified in Class 536, Subclass 23.1, 23.5 and Class 435, Subclass 252.3;
- (b) the encoding polypeptide of SEQ ID Nos: 16-17, an nRNP A2/B1-like protein, classified in Class 530, Subclass 350;
- (c) an antibody against the encoding polypeptide, classified in Class 530, Subclass 387.1;
- (d) a method of treating an animal using the nucleic acid, classified in Class 514, Subclass 44;
- (e) a method of treating an animal using the encoding polypeptide, classified in Class 514, Subclass 12;
- (f) a method of treating an animal using cells containing the nucleic acid, classified in Class 424, Subclass 93.2;

- (g) a method of treating an animal using antibodies against the encoding polypeptide, classified in Class 424, Subclass 139.1;
- (h) a method of identifying a compound that modulates immediate early gene expression using the nucleic acid, classified in Class 435, Subclass 6;
- (i) a method of identifying a compound that modulates immediate early gene polypeptide activity using the encoded polypeptide, classified in Class 436, Subclass 501.

Group X. Claims 1-16 and 27-43 drawn to:

- (a) an isolated nucleic acid of clone **L097 (SEQ ID No:20)** and the host cell containing the isolated nucleic acid, classified in Class 536, Subclass 23.1, 23.5 and Class 435, Subclass 252.3;
- (b) the encoding polypeptide of **SEQ ID NO:21**, derived from SEQ ID No:20, a Zn²⁺ finger-like protein, classified in Class 530, Subclass 350;
- (c) an antibody against the encoding polypeptide, classified in Class 530, Subclass 387.1;
- (d) a method of treating an animal using the nucleic acid, classified in Class 514, Subclass 44;
- (e) a method of treating an animal using the encoding polypeptide, classified in Class 514, Subclass 12;
- (f) a method of treating an animal using cells containing the nucleic acid, classified in Class 424, Subclass 93.2;
- (g) a method of treating an animal using antibodies against the encoding polypeptide, classified in Class 424, Subclass 139.1;
- (h) a method of identifying a compound that modulates immediate early gene expression using the nucleic acid, classified in Class 435, Subclass 6;
- (i) a method of identifying a compound that modulates immediate early gene polypeptide activity using the encoded polypeptide, classified in Class 436, Subclass 501.

Group XI. Claims 1-16 and 27-43 drawn to:

- (a) an isolated nucleic acid of clone **L099 (SEQ ID Nos: 22-25)** and the host cell containing the isolated nucleic acid, classified in Class 536, Subclass 23.1, 23.5 and Class 435, Subclass 252.3;
- (b) the encoding polypeptide of SEQ ID Nos: 22-25, a sno I-like protein, classified in Class 530, Subclass 350;
- (c) an antibody against the encoding polypeptide, classified in Class 530, Subclass 387.1;
- (d) a method of treating an animal using the nucleic acid, classified in Class 514, Subclass 44;
- (e) a method of treating an animal using the encoding polypeptide, classified in Class 514, Subclass 12;

- (f) a method of treating an animal using cells containing the nucleic acid, classified in Class 424, Subclass 93.2;
- (g) a method of treating an animal using antibodies against the encoding polypeptide, classified in Class 424, Subclass 139.1;
- (h) a method of identifying a compound that modulates immediate early gene expression using the nucleic acid, classified in Class 435, Subclass 6;
- (i) a method of identifying a compound that modulates immediate early gene polypeptide activity using the encoded polypeptide, classified in Class 436, Subclass 501.

Group XII. Claims 1-16 and 27-43 drawn to:

- (a) an isolated nucleic acid of clone **L111 (SEQ ID No:28)** and the host cell containing the isolated nucleic acid, classified in Class 536, Subclass 23.1, 23.5 and Class 435, Subclass 252.3;
- (b) the encoding polypeptide of SEQ ID No:28, classified in Class 530, Subclass 350;
- (c) an antibody against the encoding polypeptide, classified in Class 530, Subclass 387.1;
- (d) a method of treating an animal using the nucleic acid, classified in Class 514, Subclass 44;
- (e) a method of treating an animal using the encoding polypeptide, classified in Class 514, Subclass 12;
- (f) a method of treating an animal using cells containing the nucleic acid, classified in Class 424, Subclass 93.2;
- (g) a method of treating an animal using antibodies against the encoding polypeptide, classified in Class 424, Subclass 139.1;
- (h) a method of identifying a compound that modulates immediate early gene expression using the nucleic acid, classified in Class 435, Subclass 6;
- (i) a method of identifying a compound that modulates immediate early gene polypeptide activity using the encoded polypeptide, classified in Class 436, Subclass 501.

Group XIII. Claims 1-16 and 27-43 drawn to:

- (a) an isolated nucleic acid of clone **L117 (SEQ ID No:29)** and the host cell containing the isolated nucleic acid, classified in Class 536, Subclass 23.1, 23.5 and Class 435, Subclass 252.3;
- (b) the encoding polypeptide of **SEQ ID NO:30**, derived from SEQ ID No:29, classified in Class 530, Subclass 350;
- (c) an antibody against the encoding polypeptide, classified in Class 530, Subclass 387.1;
- (d) a method of treating an animal using the nucleic acid, classified in Class 514, Subclass 44;
- (e) a method of treating an animal using the encoding polypeptide, classified in Class 514, Subclass 12;

- (f) a method of treating an animal using cells containing the nucleic acid, classified in Class 424, Subclass 93.2;
- (g) a method of treating an animal using antibodies against the encoding polypeptide, classified in Class 424, Subclass 139.1;
- (h) a method of identifying a compound that modulates immediate early gene expression using the nucleic acid, classified in Class 435, Subclass 6;
- (i) a method of identifying a compound that modulates immediate early gene polypeptide activity using the encoded polypeptide, classified in Class 436, Subclass 501.

Group XIV. Claims 1-16 and 27-43 drawn to:

- (a) an isolated nucleic acid of clone **R010 (SEQ ID Nos:33-35)** and the host cell containing the isolated nucleic acid, classified in Class 536, Subclass 23.1, 23.5 and Class 435, Subclass 252.3;
- (b) the encoding polypeptide of **SEQ ID NO:36** derived from SEQ ID Nos:33-35, a stathmin-like protein, classified in Class 530, Subclass 350;
- (c) an antibody against the encoding polypeptide, classified in Class 530, Subclass 387.1;
- (d) a method of treating an animal using the nucleic acid, classified in Class 514, Subclass 44;
- (e) a method of treating an animal using the encoding polypeptide, classified in Class 514, Subclass 12;
- (f) a method of treating an animal using cells containing the nucleic acid, classified in Class 424, Subclass 93.2;
- (g) a method of treating an animal using antibodies against the encoding polypeptide, classified in Class 424, Subclass 139.1;
- (h) a method of identifying a compound that modulates immediate early gene expression using the nucleic acid, classified in Class 435, Subclass 6;
- (i) a method of identifying a compound that modulates immediate early gene polypeptide activity using the encoded polypeptide, classified in Class 436, Subclass 501.

Group XV. Claims 1-16 and 27-43 drawn to:

- (a) an isolated nucleic acid of clone **R042 (SEQ ID No:37)** and the host cell containing the isolated nucleic acid, classified in Class 536, Subclass 23.1, 23.5 and Class 435, Subclass 252.3;
- (b) the encoding polypeptide of **SEQ ID NO:38** derived from SEQ ID NO:37, a photolyase receptor-like protein, classified in Class 530, Subclass 350;
- (c) an antibody against the encoding polypeptide, classified in Class 530, Subclass 387.1;
- (d) a method of treating an animal using the nucleic acid, classified in Class 514, Subclass 44;

- (e) a method of treating an animal using the encoding polypeptide, classified in Class 514, Subclass 12;
- (f) a method of treating an animal using cells containing the nucleic acid, classified in Class 424, Subclass 93.2;
- (g) a method of treating an animal using antibodies against the encoding polypeptide, classified in Class 424, Subclass 139.1;
- (h) a method of identifying a compound that modulates immediate early gene expression using the nucleic acid, classified in Class 435, Subclass 6;
- (i) a method of identifying a compound that modulates immediate early gene polypeptide activity using the encoded polypeptide, classified in Class 436, Subclass 501.

Group XVI. Claims 1-16 and 27-43 drawn to:

- (a) an isolated nucleic acid of clone **R053 (SEQ ID No:39)** and the host cell containing the isolated nucleic acid, classified in Class 536, Subclass 23.1, 23.5 and Class 435, Subclass 252.3;
- (b) the encoding polypeptide of SEQ ID No:39, classified in Class 530, Subclass 350;
- (c) an antibody against the encoding polypeptide, classified in Class 530, Subclass 387.1;
- (d) a method of treating an animal using the nucleic acid, classified in Class 514, Subclass 44;
- (e) a method of treating an animal using the encoding polypeptide, classified in Class 514, Subclass 12;
- (f) a method of treating an animal using cells containing the nucleic acid, classified in Class 424, Subclass 93.2;
- (g) a method of treating an animal using antibodies against the encoding polypeptide, classified in Class 424, Subclass 139.1;
- (h) a method of identifying a compound that modulates immediate early gene expression using the nucleic acid, classified in Class 435, Subclass 6;
- (i) a method of identifying a compound that modulates immediate early gene polypeptide activity using the encoded polypeptide, classified in Class 436, Subclass 501.

Group XVII. Claims 1-16 and 27-43 drawn to:

- (a) an isolated nucleic acid of clone **R055 (SEQ ID No:40)** and the host cell containing the isolated nucleic acid, classified in Class 536, Subclass 23.1, 23.5 and Class 435, Subclass 252.3;
- (b) the encoding polypeptide of SEQ ID No:40, classified in Class 530, Subclass 350;
- (c) an antibody against the encoding polypeptide, classified in Class 530, Subclass 387.1;
- (d) a method of treating an animal using the nucleic acid, classified in Class 514, Subclass 44;
- (e) a method of treating an animal using the encoding polypeptide, classified in Class 514, Subclass 12;

- (f) a method of treating an animal using cells containing the nucleic acid, classified in Class 424, Subclass 93.2;
- (g) a method of treating an animal using antibodies against the encoding polypeptide, classified in Class 424, Subclass 139.1;
- (h) a method of identifying a compound that modulates immediate early gene expression using the nucleic acid, classified in Class 435, Subclass 6;
- (i) a method of identifying a compound that modulates immediate early gene polypeptide activity using the encoded polypeptide, classified in Class 436, Subclass 501.

Group XVIII. Claims 1-16 and 27-43 drawn to:

- (a) an isolated nucleic acid of clone **R061 (SEQ ID No:41)** and the host cell containing the isolated nucleic acid, classified in Class 536, Subclass 23.1, 23.5 and Class 435, Subclass 252.3;
- (b) the encoding polypeptide of SEQ ID No:41, classified in Class 530, Subclass 350;
- (c) an antibody against the encoding polypeptide, classified in Class 530, Subclass 387.1;
- (d) a method of treating an animal using the nucleic acid, classified in Class 514, Subclass 44;
- (e) a method of treating an animal using the encoding polypeptide, classified in Class 514, Subclass 12;
- (f) a method of treating an animal using cells containing the nucleic acid, classified in Class 424, Subclass 93.2;
- (g) a method of treating an animal using antibodies against the encoding polypeptide, classified in Class 424, Subclass 139.1;
- (h) a method of identifying a compound that modulates immediate early gene expression using the nucleic acid, classified in Class 435, Subclass 6;
- (i) a method of identifying a compound that modulates immediate early gene polypeptide activity using the encoded polypeptide, classified in Class 436, Subclass 501.

Group XIX. Claims 1-16 and 27-43 drawn to:

- (a) an isolated nucleic acid of clone **R066 (SEQ ID No:42)** and the host cell containing the isolated nucleic acid, classified in Class 536, Subclass 23.1, 23.5 and Class 435, Subclass 252.3;
- (b) the encoding polypeptide of SEQ ID No:42, a BDNF-like protein, classified in Class 530, Subclass 350;
- (c) an antibody against the encoding polypeptide, classified in Class 530, Subclass 387.1;
- (d) a method of treating an animal using the nucleic acid, classified in Class 514, Subclass 44;
- (e) a method of treating an animal using the encoding polypeptide, classified in Class 514, Subclass 12;

- (f) a method of treating an animal using cells containing the nucleic acid, classified in Class 424, Subclass 93.2;
- (g) a method of treating an animal using antibodies against the encoding polypeptide, classified in Class 424, Subclass 139.1;
- (h) a method of identifying a compound that modulates immediate early gene expression using the nucleic acid, classified in Class 435, Subclass 6;
- (i) a method of identifying a compound that modulates immediate early gene polypeptide activity using the encoded polypeptide, classified in Class 436, Subclass 501.

Group XX. Claims 1-16 and 27-43 drawn to:

- (a) an isolated nucleic acid of clone **R089 (SEQ ID No:43)** and the host cell containing the isolated nucleic acid, classified in Class 536, Subclass 23.1, 23.5 and Class 435, Subclass 252.3;
- (b) the encoding polypeptide of SEQ ID No:43, classified in Class 530, Subclass 350;
- (c) an antibody against the encoding polypeptide, classified in Class 530, Subclass 387.1;
- (d) a method of treating an animal using the nucleic acid, classified in Class 514, Subclass 44;
- (e) a method of treating an animal using the encoding polypeptide, classified in Class 514, Subclass 12;
- (f) a method of treating an animal using cells containing the nucleic acid, classified in Class 424, Subclass 93.2;
- (g) a method of treating an animal using antibodies against the encoding polypeptide, classified in Class 424, Subclass 139.1;
- (h) a method of identifying a compound that modulates immediate early gene expression using the nucleic acid, classified in Class 435, Subclass 6;
- (i) a method of identifying a compound that modulates immediate early gene polypeptide activity using the encoded polypeptide, classified in Class 436, Subclass 501.

Group XXI. Claims 1-16 and 27-43 drawn to:

- (a) an isolated nucleic acid of clone **R095 (SEQ ID No:44)** and the host cell containing the isolated nucleic acid, classified in Class 536, Subclass 23.1, 23.5 and Class 435, Subclass 252.3;
- (b) the encoding polypeptide of SEQ ID No:44, classified in Class 530, Subclass 350;
- (c) an antibody against the encoding polypeptide, classified in Class 530, Subclass 387.1;
- (d) a method of treating an animal using the nucleic acid, classified in Class 514, Subclass 44;
- (e) a method of treating an animal using the encoding polypeptide, classified in Class 514, Subclass 12;

- (f) a method of treating an animal using cells containing the nucleic acid, classified in Class 424, Subclass 93.2;
- (g) a method of treating an animal using antibodies against the encoding polypeptide, classified in Class 424, Subclass 139.1;
- (h) a method of identifying a compound that modulates immediate early gene expression using the nucleic acid, classified in Class 435, Subclass 6;
- (i) a method of identifying a compound that modulates immediate early gene polypeptide activity using the encoded polypeptide, classified in Class 436, Subclass 501.

Group XXII. Claims 1-16 and 27-43 drawn to:

- (a) an isolated nucleic acid of clone **R114 (SEQ ID No:47)** and the host cell containing the isolated nucleic acid, classified in Class 536, Subclass 23.1, 23.5 and Class 435, Subclass 252.3;
- (b) the encoding polypeptide of **SEQ ID NO:48** derived from SEQ ID No:47, a mouse G protein coupled receptor EBI 1-like protein, classified in Class 530, Subclass 350;
- (c) an antibody against the encoding polypeptide, classified in Class 530, Subclass 387.1;
- (d) a method of treating an animal using the nucleic acid, classified in Class 514, Subclass 44;
- (e) a method of treating an animal using the encoding polypeptide, classified in Class 514, Subclass 12;
- (f) a method of treating an animal using cells containing the nucleic acid, classified in Class 424, Subclass 93.2;
- (g) a method of treating an animal using antibodies against the encoding polypeptide, classified in Class 424, Subclass 139.1;
- (h) a method of identifying a compound that modulates immediate early gene expression using the nucleic acid, classified in Class 435, Subclass 6;
- (i) a method of identifying a compound that modulates immediate early gene polypeptide activity using the encoded polypeptide, classified in Class 436, Subclass 501.

Group XXIII. Claims 1-16 and 27-43 drawn to:

- (a) an isolated nucleic acid of clone **R198 (SEQ ID Nos:49-50)** and the host cell containing the isolated nucleic acid, classified in Class 536, Subclass 23.1, 23.5 and Class 435, Subclass 252.3;
- (b) the encoding polypeptide of SEQ ID Nos:49-50, a neuretin-like protein, classified in Class 530, Subclass 350;
- (c) an antibody against the encoding polypeptide, classified in Class 530, Subclass 387.1;
- (d) a method of treating an animal using the nucleic acid, classified in Class 514, Subclass 44;

- (e) a method of treating an animal using the encoding polypeptide, classified in Class 514, Subclass 12;
- (f) a method of treating an animal using cells containing the nucleic acid, classified in Class 424, Subclass 93.2;
- (g) a method of treating an animal using antibodies against the encoding polypeptide, classified in Class 424, Subclass 139.1;
- (h) a method of identifying a compound that modulates immediate early gene expression using the nucleic acid, classified in Class 435, Subclass 6;
- (i) a method of identifying a compound that modulates immediate early gene polypeptide activity using the encoded polypeptide, classified in Class 436, Subclass 501.

Group XXIV. Claims 1-16 and 27-43 drawn to:

- (a) an isolated nucleic acid of clone **R233 (SEQ ID No:51)** and the host cell containing the isolated nucleic acid, classified in Class 536, Subclass 23.1, 23.5 and Class 435, Subclass 252.3;
- (b) the encoding polypeptide of SEQ ID No:51, classified in Class 530, Subclass 350;
- (c) an antibody against the encoding polypeptide, classified in Class 530, Subclass 387.1;
- (d) a method of treating an animal using the nucleic acid, classified in Class 514, Subclass 44;
- (e) a method of treating an animal using the encoding polypeptide, classified in Class 514, Subclass 12;
- (f) a method of treating an animal using cells containing the nucleic acid, classified in Class 424, Subclass 93.2;
- (g) a method of treating an animal using antibodies against the encoding polypeptide, classified in Class 424, Subclass 139.1;
- (h) a method of identifying a compound that modulates immediate early gene expression using the nucleic acid, classified in Class 435, Subclass 6;
- (i) a method of identifying a compound that modulates immediate early gene polypeptide activity using the encoded polypeptide, classified in Class 436, Subclass 501.

Group XXV. Claims 1-16 and 27-43 drawn to:

- (a) an isolated nucleic acid of clone **R241 (SEQ ID No:52)** and the host cell containing the isolated nucleic acid, classified in Class 536, Subclass 23.1, 23.5 and Class 435, Subclass 252.3;
- (b) the encoding polypeptide of SEQ ID No:52, classified in Class 530, Subclass 350;
- (c) an antibody against the encoding polypeptide, classified in Class 530, Subclass 387.1;
- (d) a method of treating an animal using the nucleic acid, classified in Class 514, Subclass 44;
- (e) a method of treating an animal using the encoding polypeptide, classified in Class 514, Subclass 12;

- (f) a method of treating an animal using cells containing the nucleic acid, classified in Class 424, Subclass 93.2;
- (g) a method of treating an animal using antibodies against the encoding polypeptide, classified in Class 424, Subclass 139.1;
- (h) a method of identifying a compound that modulates immediate early gene expression using the nucleic acid, classified in Class 435, Subclass 6;
- (i) a method of identifying a compound that modulates immediate early gene polypeptide activity using the encoded polypeptide, classified in Class 436, Subclass 501.

Group XXVI. Claims 1-16 and 27-43 drawn to:

- (a) an isolated nucleic acid of clone **R256 (SEQ ID No:53)** and the host cell containing the isolated nucleic acid, classified in Class 536, Subclass 23.1, 23.5 and Class 435, Subclass 252.3;
- (b) the encoding polypeptide of SEQ ID No:53, classified in Class 530, Subclass 350;
- (c) an antibody against the encoding polypeptide, classified in Class 530, Subclass 387.1;
- (d) a method of treating an animal using the nucleic acid, classified in Class 514, Subclass 44;
- (e) a method of treating an animal using the encoding polypeptide, classified in Class 514, Subclass 12;
- (f) a method of treating an animal using cells containing the nucleic acid, classified in Class 424, Subclass 93.2;
- (g) a method of treating an animal using antibodies against the encoding polypeptide, classified in Class 424, Subclass 139.1;
- (h) a method of identifying a compound that modulates immediate early gene expression using the nucleic acid, classified in Class 435, Subclass 6;
- (i) a method of identifying a compound that modulates immediate early gene polypeptide activity using the encoded polypeptide, classified in Class 436, Subclass 501.

Group XXVII. Claims 1-16 and 27-43 drawn to:

- (a) an isolated nucleic acid of clone **R261 (SEQ ID No:54)** and the host cell containing the isolated nucleic acid, classified in Class 536, Subclass 23.1, 23.5 and Class 435, Subclass 252.3;
- (b) the encoding polypeptide of SEQ ID No:54, classified in Class 530, Subclass 350;
- (c) an antibody against the encoding polypeptide, classified in Class 530, Subclass 387.1;
- (d) a method of treating an animal using the nucleic acid, classified in Class 514, Subclass 44;
- (e) a method of treating an animal using the encoding polypeptide, classified in Class 514, Subclass 12;

- (f) a method of treating an animal using cells containing the nucleic acid, classified in Class 424, Subclass 93.2;
- (g) a method of treating an animal using antibodies against the encoding polypeptide, classified in Class 424, Subclass 139.1;
- (h) a method of identifying a compound that modulates immediate early gene expression using the nucleic acid, classified in Class 435, Subclass 6;
- (i) a method of identifying a compound that modulates immediate early gene polypeptide activity using the encoded polypeptide, classified in Class 436, Subclass 501.

Group XXVIII. Claims 1-16 and 27-43 drawn to:

- (a) an isolated nucleic acid of clone **R272 (SEQ ID Nos:55-56)** and the host cell containing the isolated nucleic acid, classified in Class 536, Subclass 23.1, 23.5 and Class 435, Subclass 252.3;
- (b) the encoding polypeptide of SEQ ID Nos:55-56, classified in Class 530, Subclass 350;
- (c) an antibody against the encoding polypeptide, classified in Class 530, Subclass 387.1;
- (d) a method of treating an animal using the nucleic acid, classified in Class 514, Subclass 44;
- (e) a method of treating an animal using the encoding polypeptide, classified in Class 514, Subclass 12;
- (f) a method of treating an animal using cells containing the nucleic acid, classified in Class 424, Subclass 93.2;
- (g) a method of treating an animal using antibodies against the encoding polypeptide, classified in Class 424, Subclass 139.1;
- (h) a method of identifying a compound that modulates immediate early gene expression using the nucleic acid, classified in Class 435, Subclass 6;
- (i) a method of identifying a compound that modulates immediate early gene polypeptide activity using the encoded polypeptide, classified in Class 436, Subclass 501.

XXIX. Claims 1-16 and 27-43 drawn to:

- (a) an isolated nucleic acid of clone **R280 (SEQ ID No:57)** and the host cell containing the isolated nucleic acid, classified in Class 536, Subclass 23.1, 23.5 and Class 435, Subclass 252.3;
- (b) the encoding polypeptide of SEQ ID No:57, classified in Class 530, Subclass 350;
- (c) an antibody against the encoding polypeptide, classified in Class 530, Subclass 387.1;
- (d) a method of treating an animal using the nucleic acid, classified in Class 514, Subclass 44;
- (e) a method of treating an animal using the encoding polypeptide, classified in Class 514, Subclass 12;

- (f) a method of treating an animal using cells containing the nucleic acid, classified in Class 424, Subclass 93.2;
- (g) a method of treating an animal using antibodies against the encoding polypeptide, classified in Class 424, Subclass 139.1;
- (h) a method of identifying a compound that modulates immediate early gene expression using the nucleic acid, classified in Class 435, Subclass 6;
- (i) a method of identifying a compound that modulates immediate early gene polypeptide activity using the encoded polypeptide, classified in Class 436, Subclass 501.

XXX. Claims 17-25 are drawn to a cDNA library and an isolated nucleic acid from the cDNA library, classified in Class 536, Subclass 23.1, 24.1, 24.2.

XXXI. Claim 26 is drawn to a method of obtaining an immediate early gene nucleic acid using a cDNA library, classified in Class 435, Subclass 6.

A) Groups I-XXIX are different products and methods of using the said product. Each product differs in the nucleic acid sequence, the encoding proteins which are predicted to be functionally distinct, and the antibodies generated by the said proteins. Consequently the methods of using each specific product differs as do the products themselves rendering the products together with the methods of using each specific product patentably distinct.

B) Groups XXX and XXXI are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (M.P.E.P. § 806.05(h)). In the instant case the product as claimed can be used in materially different processes such as in polymerase chain reaction assays. Therefore they are patentably distinct each from the other

C) Groups I-XXIX and XXX-XXXI are unrelated products and methods and are therefore patentably distinct.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter and because a search of any of these

distinct inventions would not be co-extensive with a search of the others, restriction for examination purposes as indicated is proper.

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 C.F.R. 1.48(b) and by the fee required under 37 C.F.R. 1.17(l).)

5. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen Clemens whose telephone number is (703) 308-8365. The examiner can normally be reached Monday through Friday from 8:00 am to 5:00 pm. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (703) 308-3973. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 1600 receptionist whose telephone number is (703) 308-0196.

Papers related to this application may be submitted to Technology Center 1600 by facsimile transmission. Papers should be faxed to Technology Center 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CM1 Fax Center telephone number is (703) 305-3014.

Karen Clemens, Ph.D.
Patent Examiner
Technology Center 1600
September 27, 2000



PATRICK J. NOLAN, PH.D.
PRIMARY EXAMINER

9/28/00